

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRICIA A. HADEE,)
Plaintiff,) Case No. C09-165-RSL-BAT
v.)
MICHAEL J. ASTRUE, Commissioner of the)
Social Security Administration,)
Defendant.)
REPORT AND
RECOMMENDATION

Plaintiff Patricia A. Hadee, has filed a motion for attorney fees, expenses and costs under the Equal Access to Justice Act, 28 U.S.C. §§ 2412(a)(d) and 1920. Dkt. 19. I have reviewed the motion, which is unopposed, and the balance of the record and recommend it be granted.

First, Ms. Hadee, is eligible for fees and costs under the Equal Access to Justice Act. She was granted leave to proceed *in forma pauperis*, and her net worth was less than 2 million dollars when she filed her complaint. Dkt. 1.

Second, Ms. Hadee is eligible for fees and costs because she is the prevailing party. *See* Dkt. 18 (order remanding the case).

And third, she is entitled to fees and costs because the Commissioner's position was not substantially justified. Ms. Hadee filed an opening brief arguing the Administrative Law Judge

1 erred in finding her not disabled. Dkt. 12. Instead of filing a Responsive brief, the
2 Commissioner stipulated Ms. Hadee's case should be reversed and remanded for a de novo
3 hearing pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 17. Additionally, the
4 Commissioner does not oppose Ms. Hadee's motion for fees and costs. Dkt. 20.

5 I therefore recommend the Court award Plaintiff's counsel Robert A. Friedman, \$3,184.39
6 in attorney fees and \$51.12 in expenses under the Equal Access to Justice Act, 28 U.S.C. §
7 2412(a), (d), and \$14.40 in costs under the Equal Access to Justice Act, 28 U.S.C. § 1920, for a
8 total of \$3,250.01. A proposed order accompanied this Report and Recommendation.

9 Dated this 14th day of September, 2009.

10
11 
12 BRIAN A. TSUCHIDA
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23